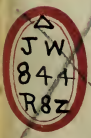


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*City Document.—No. 6.*

REPORT  
OF THE  
JOINT SPECIAL COMMITTEE  
TO OPPOSE THE PETITION  
OF  
ISAAC T. ALLARD AND OTHERS,  
FOR THE  
ANNEXATION OF ROXBURY TO BOSTON.



ROXBURY:  
THOMAS PRINCE, CITY PRINTER.  
1852.

## CITY OF ROXBURY.

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*In Board of Aldermen, Feb. 9, 1852.*

*Ordered,* That a Joint Special Committee consisting of the Mayor and two Aldermen, and five members of the Common Council, be appointed with instructions to oppose the prayer of the petition of ISAAC T. ALLARD and others, praying for the annexation of the City of Roxbury to the City of Boston, and that said Committee have full power to employ counsel, and do all other acts necessary and proper for opposing the prayer of said petition.

The MAYOR,

Aldermen KITTREDGE and

WILLIAMS, appointed on the part of this Board.

JOSEPH W. TUCKER, *City Clerk.*

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*In Common Council, Feb. 9, 1852.*

Concurred,—and

Messrs. GASTON, (President,)

HICKLING,

PARKER, Ward 1,

LEWIS, and

LELAND, joined on the part of this Board.

JOSHUA SEAVER, *Clerk.*

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## CITY OF ROXBURY.

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*In Board of Aldermen, May 17, 1852.*

Laid upon the table and ordered to be printed.

JOSEPH W. TUCKER, *City Clerk.*

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## REPORT.

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THE Special Joint Committee who were instructed to oppose the petition of Isaac T. Allard and others, praying for the annexation of Roxbury to Boston, before the Committee on Towns, of the Legislature, would respectfully Report :

The petition of Isaac T. Allard and others was presented to the Legislature in 1850; but, there not being sufficient time to serve an order of notice upon the parties interested, it was placed upon the files of that year. In 1851, this petition, and all other petitions and papers relating to the subject, were taken from the files and referred to the Committee on Towns. The usual order of notice was served upon the parties interested, and the matter was fully heard before the Committee, who reported a reference of the subject to the next General Court. In 1852, (the present year,) the papers were taken again from the files, and referred to the Committee on Towns. Orders of Notice were served, and the sixteenth of March was assigned for the hearing.

The petitioners were represented before the Committee by William Whiting, Esq.

The leading views entertained by the petitioners were presented by Mr. Whiting, and the points, in brief, were :—

That there were 1141 petitioners in favor of annexation :—

That within the last few years, a most intimate connection had grown up between Roxbury and Boston ;—

That a very large, influential and wealthy class, engaged in

all pursuits, are in the habit of coming to Boston daily to transact their business; that the two cities have become one, except in not having a city government in common;—

That for the last three or four years, “our unfortunate city has come to a stand, comparatively speaking;”—

That there is wanted an abundant supply of pure water, without great cost;—

That in the upper part of the town we have to penetrate the rocks, and in the lower part it was impossible, at any price, to obtain pure water;—

That attempts to obtain artesian wells are abandoned;—

That the population in the lower part is so crowded, that there exists a great want of Cochituate water, and that we desire to unite with Boston, to have this water;—

That we want common sewers, and that *in order to drain Roxbury, we must connect with the sewers of Boston*;—

That we want better streets; the present condition of our streets is not good;—

That sidewalks are wanted—a general system—the Boston system, to compel persons to make sidewalks;—

That great public squares are wanted;—

That the City Government of Roxbury are not apt to go into such generous improvements as are wanted.

In regard to the WANTS OF BOSTON, it was laid down by Mr. Whiting:—

That Boston wants more native population;—

That Boston wants more territory to expand upon;—

That Boston wants to add to her commercial importance;—

That Boston wants to derive further advantage of our business men, who transact their business within her borders, while they reside in Roxbury;—

That Boston wants to increase the number of her citizens who will take and pay for the Cochituate water; and, that we shall pay her a large tax for her water;—

That Boston wants our Public Property; Roxbury owns

some public property that is worthless in the hands of Roxbury, and, without using Boston to drain through, is valueless to her; but invaluable to Boston;—

That Boston wants us to pay our share of her public debt; it is true our Estates will be mortgaged to pay it, and we shall be thankful to do so for benefits received;—

That Boston wants the territory of Roxbury in preference to other places, because of the natural connection, &c.;—

That Boston wants more tax payers, and we are willing to be tax payers.

And the results to Roxbury were:—

That it will improve the value of our real estate;—

That it will increase the number of our population;—

That it will enhance the comfort of our dwellings, by adding conveniences and luxuries which we cannot otherwise obtain;—

That it will add to the health and happiness of the poorer classes already with us;—

That it will pave the way for great improvement in the class of people who will be likely hereafter to dwell upon the marsh lands;—

That the citizens generally may have PURE AND ABUNDANT SUPPLY OF WATER, both on the lowlands and highlands, at a rate far cheaper than it can be obtained in any other way;—

That we may have our lowlands and our uplands drained by common sewers, instead of continuing the present system;—

That we may have our streets properly graded, surveyed, and widened (wherever they need alterations) now, while these things can be done at small expense;—

That we may have suitable sidewalks in the settled parts of the town, and shade trees planted and protected;—

That we may obtain suitable protection against *fire*, by the introduction of *hydrants*;—

That we may have our civil courts in Boston, where witnesses, jurors, and parties can attend with much greater convenience than at Dedham;—

That we may have our Registry of Deeds in Roxbury or Boston, instead of Dedham;—

That the business man, by bringing his Real Estate within the limits of Boston, will be better able to dispose of it at cash value, if he desire to sell, and more readily negotiate his mortgages for money;—

That we may have public Malls, and Squares, and Fountains, the ornaments of our city, promoting the health, as well as the happiness of the people, and attracting to our borders gentlemen of wealth and good taste;—

That by uniting with Boston, we may make a successful effort to save the capital of our State from falling under the control of foreigners, thereby averting a destiny which will involve ourselves, no less than our friends, in a common misfortune;—

That we may save all the expense of a *separate* City Government;—

That we are opposed by the city officers,—by the Bank, or Money Power,—by those who have peculiar private interests,—by honest minded men who have been misled,—and by disinterested and fair minded men who fear all change.

These points, which we have stated but briefly, were presented and illustrated at length by Mr. Whiting, to the Committee.

A large amount of testimony was introduced, which, in our opinion, entirely failed to sustain the positions laid down in the opening.

There was evidence offered by the petitioners, tending to show, that, in the opinion of many of the witnesses, there existed a want of water in the lower parts of Roxbury, upon the upland as well as the marshes, and, that if annexation should take place, that want would be supplied by the introduction and distribution of Cochituate water, wherever it might be needed; that it was wanted, not only for domestic purposes, but for the use of manufacturing establishments. In certain seasons of the year, there existed a want of water upon the higher lands of Roxbury; wells were sometimes dry; the cost



of rock-wells was variously estimated, from \$500 to \$1000, according to their location, and the position and hardness of the rock.

Jamaica Pond was represented as being about 18 or 20 feet above marsh level, and surrounded by dwellings; that the water was impure, and, occasionally, offensive smells arose from the pond.

It was admitted that a pretty large proportion of the dwellings had wells and other sources of water. No evidence was introduced by the petitioners tending to show, that if annexation should take place, Boston would supply the alleged want of water from the Cochituate pond, or that there was a sufficient supply there to meet that want.

The theory of the petitioners in regard to drainage was, that in order to drain Roxbury, *a connection must be made with the Boston common sewers; that we cannot obtain drainage in any other mode*, except at enormous expense.

Mr. Charles Whitney testified that he was the author of the letter on pages 33, 34 and 35, of Mr. Whiting's report in favor of annexation, addressed to the people of Roxbury. This letter discusses the subject of drainage, and the author maintains that, *"by connecting the common sewers of the two cities together, so that our lowlands could be drained through Boston into the sea, a perfect drainage could be effected at an expense which, compared with the cost of any other plan, would be trifling."*

It was testified to by Mr. McBurney, that it was impossible to drain the lowlands without connecting with the Boston drains, and that in his opinion, an immediate connection would be made if annexed. That a greater portion of these lowlands are marsh lands, and could be drained into the Boston drains *now*, independent of filling up, while in regard to other lands that cannot be drained now, there must be a compulsion upon people to fill them up first.

It was Mr. Caleb Parker's opinion, that all the lowlands would have to be filled up, in order to drain them; that it might be in the power of Roxbury to drain them, but he

thought some parts could not be drained, except by a connection with the sewers of Boston. These opinions were concurred in by other witnesses, and it was believed by those who testified on this point, that, in order to drain Roxbury effectually, *there should be a connection with the Boston drains.* But it was not shown that any surveys had been made, or that the Boston drains were of sufficient capacity, and so constructed as to grade, to admit of this additional drainage through them. It was in evidence that lands on Plymouth street, Roxbury side, suffer from want of drainage, and it was admitted, that lands on Boston side suffered in like manner.

With regard to streets and sidewalks, it was represented by some of the witnesses, that we wanted better ones. Some were very good, others were bad. There was great improvement needed in this respect, and, if annexation should take place, it was believed Boston would supply us with better streets and sidewalks. It was admitted by one witness, (Mr. Davis) that the city had been liberal in regard to sidewalks; they would construct the sidewalk if the abutters would furnish the edgestones. But, it was the opinion of some of the witnesses, the Boston system was needed, to compel persons to construct sidewalks in front of their estates, "so that," to use the language of the counsel, "no wealthy or poor miser could prevent or stand in the way if he saw fit." It was stated by counsel in his opening, that the committee would be invited to view our streets, but no such invitation was given, or the committee solicited to view them, to our knowledge.

It was testified that we needed Public Squares. They were thought to be very desirable. In the opinion of the witnesses, Boston would provide these upon a more liberal scale than we can ourselves. A large outlay for public improvements of this character by the authorities would not be sustained by public opinion, because Roxbury in its present condition could not well afford the outlay. The evidence on this, as well as many other points, fell far short of what was laid down in the opening; the counsel, in his opening, declared that we wanted



“great public squares—not a piece of gingerbread—as large as those in London or New York, and not so small that a horse in a treadmill might go round them.” The evidence was, that improvements of this character were desirable, and it was thought that Boston would furnish squares upon a more liberal scale than we can ourselves. Mr. Blake did not think it an object to lay out much for squares now, and Mr. Marsh’s opinion was, that public squares were *not necessary to any great extent—not large ones—but numerous small ones.*

Opinions were given by several witnesses, that annexation would benefit real estate; that it would be more convenient to attend court at Boston than at Dedham; that it would be more convenient to have the Registry of Deeds at Boston, &c., &c. The benefit to real estate spoken of, we understood to be chiefly to the low and marsh lands, in consequence of the alleged want of water being supplied by the introduction of the Cochituate, and a general system of drainage established. Other lands, however, were to be benefited by commanding higher prices, yet the principal benefit was supposed to be to the lower and marsh lands.

Mr. S. S. Lewis expressed his opinions on the importance of increasing the territorial limits of Boston,—that by annexation its commercial importance could be advanced. This he did not apply to Roxbury in particular, but to all the adjoining towns and cities.

It was testified to by Mr. Allard, the leading petitioner, that he obtained most of the names upon the petitions at different times since 1850, and that he did not take the names of any that he did not suppose were legal voters. He had been informed that some upon the petition had signed the remonstrance. The number of petitioners was 1141. When this matter was first started, the people in the upper section (now West Roxbury) got up a petition in aid, but did not circulate it; and it was a *part of his plan to obtain names for division as well as annexation.* He made a pretty thorough canvass, and got all the names he could. Boston people would ask if they could not sign it, and said they *rejoiced* in it.

A pamphlet, signed by William Whiting and seventeen others, entitled, "Report of the Committee in favor of the Union of Boston and Roxbury," (which has been distributed throughout the city,) was put in as evidence, and the gentlemen signing the same, who testified before the Committee, believed the statements therein made, were to the best of their knowledge and belief, correct.

Other testimony was given upon various matters, which, in our opinion are not material to the subject, as it is mostly the expression of individual opinions upon subjects in themselves of trivial importance to the merits or main points of the case.

There was *no evidence introduced*, to show that Boston "wanted any more native population, to retain in her own hands the control of her own affairs," or that she wanted "more land to expand upon," or that she desired "to add to her commercial importance in the eyes of foreigners abroad, and of other parts of our own country," or that she wanted "the further advantage of our business men to become citizens, who reside here and do business within her borders," or that she had any desire to furnish us with "Cochituate water," or that she wanted any of our "public property," or that "she wanted us to pay *our* share of her public debt," or that she "wanted the territory of Roxbury in preference to other places," or that "she wants more tax payers." And even if evidence had been introduced establishing these wants, we do not think it would have been sufficient to have justified our annihilation.

The evidence for the petitioners being in, the case was opened

#### FOR THE REMONSTRANTS.

Without further remark, the Committee will proceed to give a brief outline of the evidence offered to sustain the positions assumed by the remonstrants.

The Hon. John J. Clarke and William Gaston, Esq. appeared in behalf of the city.

The case was opened by Mr. Gaston, who stated the grounds upon which the remonstrance was based.

Evidence was introduced to show that from the 1141 names claimed by the petitioners, *five hundred and ninety three*, or *more than one half of the whole number*, should be deducted therefrom, for *non-residents, not voters, duplicate and triplicate signatures, those who had since signed the remonstrance, &c., &c.*, which would leave the actual number of petitioners 548. Your Committee caused the several petitioners to be examined and compared with the voting lists and assessors' books, and the result of that examination was, as testified to before the Committee, as follows, viz.

Number of Petitioners,	1141
From which should be deducted,	
• Non Residents,	141
Not Voters,	53
Signed twice,	137
Signed three times,	27
Dead,	10
Since signed Remonstrance,	225
	<hr/>
Making in all,	593
	<hr/>
Which leaves as Petitioners,	548

The number of Remonstrants, legal voters, all obtained since the first of February of the present year, was 1,080

Deduct for not voters, 55

Leaving Remonstrants, 1,025

This number is a clear majority of the legal voters in the city.

As appears by the Assessors' books, the

Petitioners represent taxable property  
amounting to

\$1.704.000

The Remonstrants represent taxable property

amounting to

\$3.558.810

At this stage of the proceedings, it was suggested by the counsel for the city, whether it would be desirable to proceed

farther in the investigation, as it appeared that there were neither a majority of the legal voters petitioning for this project, nor a majority of the taxable property represented, but, on the contrary, a majority of both voters and property against it.

It was replied to by the counsel for the petitioners, that it might be his painful duty to show how these names had been obtained, and what influences had been brought to bear, and what inducements held out, &c.

The counsel for the city rejoined, by demanding that if any improper influences had been brought to bear upon, or any inducements held out to the signers of the remonstrance, to make them known to the Committee. The remonstrants denied this, and invited the closest scrutiny into their acts. No proof was adduced tending to show that any inducements had been held out or any improper influences brought to bear.

The Committee decided that the examination might proceed.

Testimony was offered to show the increase of the population and wealth of the city. The ground taken by the petitioners was, that Roxbury began to flourish about as far back as 1837 or 38, and, for a few years, it would have been difficult to find a village which promised better for the future. But within the last three or four years, she has not advanced, but has come comparatively to a stand still.

The following comparative statements of population and wealth, in evidence before the Committee, show a different state of things:

Roxbury in 1840, had a population of	8310
“ “ 1850, “ “ “	18,316

Showing an increase of	10.006
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or *one hundred and twenty and one quarter per cent. gain.*

Only three towns in this Commonwealth *have gained so much*, viz:—Chelsea, in Suffolk County; Milford, a manufacturing town in Worcester County; and Natick, a railroad village and manufacturing town in Middlesex.

The gain of what is now Roxbury, since West Roxbury\* has been carved out, cannot be obtained for the ten years. But a census was taken of the town in the last year of the town government in 1845, and in 1850 the State census was taken in Wards. From this, it appears that:—

In 1845, the five lower Wards, now Roxbury, had	11,409
“ 1850, “ “ “ “ “ “	15,150

Showing a gain in <i>five</i> years of	3,741
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or about *thirty-three* per cent.

In 1845, Wards 6, 7 & 8, now West Roxbury, had	2,520
“ 1850, “ “ “ “ “ “	3,166

Showing a gain in <i>five</i> years of	646
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or twenty-five per cent.

In 1845, the “community” in West Roxbury numbered about 100, and none in 1850. If we add this and the new railroad facilities, the gain will be about the same. The advocates for division last year, complained that Roxbury had increased faster, in every way, than West Roxbury.

*Assessors' Valuation and Rateable Polls.*

Year.	Valuation.	Rateable Polls.	
1838	\$5.979.900	2,046	
1839	6.478.600	2,129	
1840	6.721.000	2,300	In population 8,310
1841	6.941.600	2,474	
1842	7.328.600	2,574	
1843	7.710.000	2,554	
1844	8.578.600	2,987	
1845	9.569.800	3,433	
1846	12.531.100	3,666	In 1845 population 13.929.
1847	12.628.300	3,806	
1848	13.192.600	3,999	
1849	13.476.600	3,982	
1850	13.712.800	4,125	
1851	13.933.200	4,223	In 1850 population 18.316.

\* Incorporated, May 24th, 1851.

showing a progressive gain in population from 1845 to 1850 of 4387 persons, and a like gain in property of \$4.143.000; about thirty-three per cent. in numbers, and forty-five per cent. in property.

The theory of the petitioners, that Roxbury began to flourish as far back as 1837 or 38, and for a few years no place promised better things for the future, but within the last three or four years she has not advanced, is not sustained by evidence.

Charlestown in 1840, had 10,872 inhabitants; Charlestown and Somerville together in 1850 had 19,043, showing a gain of only *seventy-five per cent.*

Boston, in 1840, had	83,970
“ “ 1850, “	138,788
showing a gain of sixty-five and a quarter per cent.	

Cambridge in 1840, had	8,127
“ “ 1850, had	14,825
showing a gain of eighty and a half per cent.	

Brookline in 1840, had	1,123
“ “ 1850, “	2,353
showing a gain of one hundred and nine per cent.	

Dorchester in 1840, had	4,458
“ “ 1850, “	7,578
showing a gain of seventy-five per cent.	

Dedham in 1840, had	3,157
“ “ 1850, “	4,379
only a little more than thirty-eight and a half per cent.	

The following table will show the increase of Roxbury, as compared with other cities in our vicinity, according to the State valuation.



	1840.	1850.	Increase.
Roxbury,	\$3.257.503	\$13.613.731	317 per ct.
Boston,	109.314.218	213.310.067	95 “
Cambridge,	4.479.501	10.608.787	136 “
Charlestown, including Somerville,	4.033.176	10.727.321	166 “

It was represented by the petitioners, that the rate of tax in Boston was \$7 on the thousand, and in Roxbury \$6.60. If this was the only difference in taxation, it would be comparatively trifling. But it was shown by evidence, that there was a vast difference in *valuation* between the two cities, and the *rate* of taxation was not a fair criterion to show the *difference* in taxation between them. As an illustration of this, the valuation of property (border lands,) on each side of the dividing line, as taken from the books of the assessors of both cities, was shown by the following statement, which was sworn to by one of our assessors.

#### IN WARD I, ROXBURY.

C. J. Hendee, 30,000 feet of land, Fellows street, taxed on a valuation of \$2,400, or 8 cents per foot.

“ “ 20,000 feet of land on Hunneman St. \$1.600, or 8 cts. per ft. 24,600 feet, School Marsh, \$3.000, or 12 cents per foot.

#### IN BOSTON.

Land taxed in Ward 11, Boston, and adjoining some of the above, and no more valuable, as follows:

C. J. Hendee	13,000 feet land	\$5.200	40 cts. per ft.
“ “	15,000 Fellows st.	3.000	20 “ “
“ “	15,000 “ “	2.500	16 2-3 “
Chas. Davis,	land, Fellows st.	4,000 ft. \$600	15 cts. per ft.
W. Fellows,	“ “	13,000 “ 2.200	16 2-3 “
W. Davis, Jr.	“ “	11,000 “ 1.800	“ “
Susan Johnson,	“ “	12,000 “ 2.000	“ “
A. S. Lewis,	“ “	12,000 “ 2.000	“ “

## IN ROXBURY.

Lands of same quality, and adjoining the above :

Charles Davis,	36,000 feet	\$2.400	8 cts.	per ft.
Ralph S. Dorr,	5 acres	5.000		
“ “	20,000 “	1.600	8 “	“
W. Davis,	6,000 “	400	7 “	“
“ “ for wharf,	31,400 “	4.000	13 “	“
W. C. Hunneman	29,000 “	2.600	9 “	“
J. N. Johnson, Fellows st.	6,000 “	400	7 “	“
“ “ School Marsh,		1.000	10 “	“
A. S. Lewis, Fellow St.	5,000 “	4.000	18 “	“
Thomas Simmons, 8 acres marsh,		3.200		

(Farther down upon the point, valuation \$400 per acre; then we pass to higher lands, but bordering some of the lots on the above described.)

Joseph Ballister, 7 acres, near Dorchester,	\$4.000	1½ ct.	per ft.
Martin Brimmer, 2 “ Marsh,	\$500 acre,	1.000	
John E. Brown, 14 “ House and land,	10.000–500	per acre	
Enoch Bartlett, 20 “ “ “ “	1.000	“ “	
Caroline L. Eustis,	“ “ “	18.000	
W. B. Kingsbury, Davis street,	18,400	2.000	11 cts. pr ft.
Sumner & Williams, Williams’ Farm,	42.000	“ “	
Tillson Williams, Eustis street,	19,000 ft.	2.000	10 “ “
Nancy Weld, 6 acres,		7.000	\$1.200 prac.
Williams & Kingsbury, 48.000 feet,		12.000	one half of
which valuation is for buildings.			

## IN BOSTON.

Stephen M. Allen 20 tenements, costing about \$250 each, with 228,000 feet of land \$30.000, leaving the land taxed at 12½ cts. per foot.

## IN ROXBURY, WARD 2.

Corresponding lands taxed at \$1.000 per acre, or less than 3 cents per foot, viz:—

Samuel Langley, 4 acres marsh,	\$2.000
Samuel Morse, 2½ “ “	2.600

Sidney B. Morse, 2½ acres marsh,	2.600
H. J. Oliver, 2 acres of land adjoining Boston,	2.000
Robert Ralston, 5¼ acres upland and 3½ acres flats, Mill Dam, adjoining Boston.	4.000
Benjamin Sewall, 100,000 feet land,	4.000
David Sears, 12 acres land adjoining,	8.000
J. G. Tappan and others, 7 acres marsh,	7.000

*Other Large Lots.*

Susan Davis, house, barn, and land, on Washington St., mostly upland, and bounding on Boston; 4 acres upland, 3 marsh.	25.000
Charles Davis, 10,000 feet, Adams Place,	800
James Ellison, 19,500 feet, Ruggles street,	1.400
Ebenezer Francis, 35 acres upland and marsh,	20.000
Samuel H. Hunneman, 29,019 feet, Williams place, fronting on three streets,	4.000

By the foregoing statement it will be seen that there is a vast difference in the valuation of the two cities; and we believe the committee of the citizens, in their report against annexation, were greatly within bounds when they stated "that real estate generally in Boston is valued, for taxation, for what it will bring under favorable circumstances, while in Roxbury it is valued for what it will bring under *unfavorable* circumstances—a *difference ranging from 25 to 50 per cent.* Farther evidence is found in the fact, that the taxes of Boston are nearly *ten* dollars a head, while in Roxbury they are only about *five*.

It was satisfactorily shown to the Legislative Committee, that there *did not* exist such a great want of water as was represented by the petitioners. It was shown that nothing was ever heard of the want of water, until the annexation project was started; that it was annexation that suggested this and other wants, and not this and other wants, suggested annexation. The testimony went to show that the lower part of the city was generally *well supplied with good, wholesome and pure water*,—that, upon the upland, a good well, furnishing an abundant supply, could be obtained at a small cost, vary-

ing from \$10 to \$350; and even upon the marsh lands excellent water had been obtained. The marsh lands were very little built upon, and as yet no great want of water was felt there, and the want, whatever it might be, whether great or small, could be easily supplied from water from Jamaica Pond, without annexation. Upon the higher lands, *it was no evidence, that no want of water existed.* Rock-wells have been dug, varying in cost from \$200 to \$350, furnishing an unfailing supply. Occasionally some few of these might fail in a very dry season, while, generally speaking, nearly all furnished a bountiful and steady supply. Those that failed, perhaps, were not of a sufficient depth. *There was no need of, nor any want of Cochituate water upon the higher lands.* A portion of what is known among us as "the Highlands," and the section around "Parker's Hill," even if there was a want of water there, which there is not, and they desired the Cochituate, it could not well be furnished from that source, as the land is higher than the reservoir in Brookline; though even if they were so situated as to be reached by the Cochituate pipes, it would be deemed impracticable to furnish water from this source, in consequence of the immense cost of cutting through the ledges of rock for the purpose of laying the pipes, to supply the very few who might be prevailed upon to take and pay for it. But the matter of supplying *any part* of our city from Cochituate Pond is fully set to rest, as will be seen by the testimony, in another part of this report.

It was clearly shown that there was no want of water for the use of our manufacturing establishments. Mr. Guild's tanning and currying establishment, adjoining the Boston Belting Co.'s premises, (which offered through Mr. McBurney \$900 or \$1,000 a year for the Cochituate,) and which requires large quantities of water, was well and amply supplied from a well and a brook which passes through the premises. Wells, furnishing an unfailing supply, can be obtained in this vicinity at a very small cost.

In regard to wells, and the cost of digging them, the following is a brief abstract of the evidence.

Mr. Beecher had dug five wells on high land and through rock, and two on low lands. One on Washington Street, 42 feet deep, through hard rock, including the pump, cost \$250 completed. One on Water Street, in marsh, cost \$10; has had an engine upon it constantly and never knew it to fail. The water of this well is used for dyeing, which requires the best and purest water. One dug on upland cost about \$30 or \$40. All around the borders of marsh, cost trifling; water sufficient in quantity and soft.

Mr. Samuel Guild had dug two wells on the Highlands, 60 feet deep, one of them three-quarters, the other two-thirds through hard rock, cost, complete, about \$350 each; water pure and abundant. This is one of the hardest places to dig wells. Water at tan yard, (next to Boston Belting Co.'s establishment,) pure, soft and abundant. Cost of wells in this vicinity trifling.

Mr. Kittredge had dug nine wells on the Highlands. The average cost, complete, was \$210 each. The highest cost \$350, through rock from top to bottom, 40 odd feet. Another, 50 feet, all rock, cost \$300. This was done by contract. Same contractor dug another for \$200. Two wells through gravel, the one cost \$125, the other \$150. The others cost less than this. All these wells are unfailing, and the water excellent in quality.

Mr. W. G. Lewis's well, corner Centre and Cedar Streets, cost \$20; water pure, soft and abundant. On estate opposite, well dug last summer at a cost of \$25.

Mr. James Guild's well, costing \$350, 60 feet deep, 40 of which is through rock; at dryest time last summer had about 22 feet of water.

Mr. Edward Wyman's well, near Walnut Street, in vicinity of Montrose Avenue, cost \$210, is 18 feet through rock, supplies two families amply. Some wells in this vicinity cost more, others less; a well opposite cost \$30.

Evidence was introduced by the petitioners to show that other wells upon the Highlands had cost more than those alluded to by the testimony of the remonstrants. There are,

undoubtedly, instances where wells have cost more than those spoken of in the testimony of the remonstrants, owing to their location, hardness of the rock, and the unskilful manner in which they are dug; but these are exceptions. It cannot be said that, as a general thing, the cost of wells is greater than is represented by the testimony we have briefly given.

Jamaica Pond water was represented by the petitioners to be impure, and unfit for domestic purposes. To sustain this position, it was endeavored to be shown by the testimony of Mr. R. M. Morse, who has resided near the margin of the pond for some eleven years, that the water was impure; that people bathed in the pond; that the hills around were highly manured, and they drained into it; that offensive odors had occasionally arisen from it, and could be smelt for half a mile; that a small stream runs into it from Brookline; that he had avoided the *restaurateurs* in Boston that used the water for cooking, or upon their tables. It was admitted by Mr. Morse, on cross-examination, that the city authorities of Roxbury immediately put a stop to bathing between sunrise and sunset, when requested by the people in that section to do so; and that he had noticed some kind of a smell from Mystic Pond, in a slight degree, and in other ponds not so much; also, that large quantities of ice were taken annually from the pond.

For the remonstrants, it was shown by Mr. Thomas A. Dexter, who was Treasurer of the Aqueduct Corporation from 1818 to 1822, and again from 1830 to 1848, when the franchise was sold to Boston, that *the water was of the very purest quality*; that it had been shown, by repeated analyses, to be superior, in purity and quality, to any other water that had been compared with it. There were great regrets expressed by the customers when they were obliged to give up the use of it, and a great many have stated that they preferred it to Cochituate. The pond is supplied by springs. In the spring of the year, when there had been an unusual quantity of snow, the taste of the water was somewhat affected, only for a brief period. This occurred only in three or four years



during Mr. Dexter's knowledge of the pond. There was an offensive smell and peculiar taste to the water, on one occasion a few years ago. An investigation was made to discover the cause of it, and it was his opinion that a large body of fish had collected near the aqueduct house, and, owing to the intensity of the cold, had died there. A similar smell and taste was noticed the last year in the Cochituate water. An offer has been made by Mr. Dexter of \$20,000 for the franchise, and the Cochituate Water Board now have the subject under consideration.

Mr. Thomas E. Chickering, who has resided upon the margin, and within a few rods of the pond, for the last five years, has used the water directly from it, and it was believed Mr. Perkins did also. Many persons fill their ice houses from it. Mr. Chickering knew of no causes of impurity in the water, other than washing carriages, horses, and bathing, if they could be called such; and these could easily be prevented, if necessary.

It was shown by Mr. Francis C. Head, that the small stream, flowing into the pond from Brookline, was perfectly clear, and no impurities were conveyed into it from that source. It was his opinion that the water from Capt. Bacon's hill was not impure, and whatever drainage might flow into the pond from this source, whether more or less, could not affect the water in the least degree. He had known the pond for twenty-two years, and had never heard any complaints of offensive smells before. He, as an alderman, by direction of the Board, had taken measures to prevent bathing between sunrise and sunset.

Mr. J. H. Wilkins had resided within a short distance of the pond for the summer season, for many years, and had always regarded it as very pure. He had taken means to inform himself upon the results of analysis. This water was considered best. He had never heard an intimation of any smell from the pond. There was nothing on the margin of the pond that he should regard as impurities.

Joshua Seaver, Joseph W. Dudley, W. G. Lewis, Thomas

Adams, and others, testified to the reputation of the water for purity, and they never before had heard it called in question, or had known or heard of any offensive smells arising from it.

We submit to your careful attention the evidence in relation to the Cochituate water, and the adequacy of a supply, from that source, &c.

The counsel for the petitioners assumed, when speaking of the wants of Boston, that "Boston wanted to increase the number of her citizens who will take and pay for the Cochituate water;" and, in his report in favor of annexation, put in as evidence, he says:—"This question is too important to be left to conjecture. The engineer of the Boston Water Works has set the subject at rest. From his reports and statements, the result of personal knowledge, the highest authority on which we can rely, it is evident that the *fear of an inadequate supply of water is wholly groundless. There is an abundance of water to supply the wants of Boston and Roxbury, in all probability, for a century to come.*"

The ground taken by us was, that we did not believe in the adequacy of the supply of water from Lake Cochituate;

That even if there were no doubts as to a sufficient supply, Boston would *not* furnish us with water from that source, because the amount received from us would not be sufficient to remunerate her for the outlay;

That they would furnish us from Jamaica Pond, if needed, which was valuable to them, chiefly, we might say, almost only, for this purpose, and that the want of water, whatever it might be, could be supplied WITHOUT annexation.

The evidence sustaining these positions is conclusive.

It was shown by the testimony of Hon. John H. Wilkins, one of the Cochituate Water Board, that the Board, at the request of the Mayor of Boston, held a meeting to consider whether they would be able to supply Roxbury with Cochituate water, and the Board came to the conclusion *that the prospect of remuneration was so small, that they would not incur the expense of laying the pipes, and that it would be hazardous in attempting to supply Roxbury.* The increase of the

number of gallons per head, this year, has vastly exceeded any estimate. The original estimate was  $28\frac{1}{2}$  gallons per day to each individual, but it had greatly exceeded that estimate. The consumption last year was 66 gallons. The engineer was directed to make an examination in reference to supplying a portion of Roxbury, and his report was adverse. The cost of supplying the parts of Roxbury that might require water, Mr. Wilkins could not say precisely, but somewhere in the neighborhood of \$300,000. The prospect of remuneration is such as would not warrant this outlay. The pipes are now overworked. The supply might perhaps be greatly increased, but a portion of the works would have to be made over again, and this could be done only at great cost.

Measures have been taken by the Commissioners to prevent the waste of water, but they had not been able to accomplish it to any great extent.

If Boston had the power to take up the streets of Roxbury, *and a sufficient number would take it, he thought they would be glad to supply the dense population with water from JAMAICA POND.* It has been a matter of conversation with the Board to supply Roxbury with water from Jamaica Pond. No application has been made to the Board in session.

The official action of the Cochituate Water Board, on the communication of Mayor Seaver, is found in the following letter from Thomas Wetmore, Esq., President, to the Mayor, which was presented and read to the Committee:—

{ *Office of Cochituate Water Board,*  
{ *Boston, March 29, 1852.*

HON. BENJAMIN SEAVER,

MAYOR, &c., &c.

Sir—I have received and laid before the Water Board, your communication on the subject of supplying the city of Roxbury with the Cochituate water. You request the opinion of the Board especially “Whether our supply of water would be adequate for such an extension of the aqueduct,—the cost and

practicability of the work,—and how the interest of the city would be affected, in reference to its property in the Jamaica Pond Aqueduct.” With regard to the supply of water, we presume you have reference to our present means of storage at the lake, and of conducting thence to Brookline reservoir. The original calculation was, that we might depend on a supply of ten millions of gallons a day, and I know of no reason for supposing that it was incorrect. The daily average consumption last year was 6,883,782 gallons, and there has been an INCREASE this year in the daily consumption on the same period of last year of more than *a million and a half of gallons*; so that we shall probably want, for our own use, in the city, nearly the whole supply which our present means will afford during the present year, and, therefore, if we attempt to supply Roxbury, we shall, probably, in a short time, be obliged to increase our means of storage at the lake, by raising the present dam, and, of course, the works connected with the gate house. With regard to the cost and practicability, the City Engineer, under the direction of the Board, has examined the parts of Roxbury where the distributing pipes are to be laid, and reports that the whole expense will be \$272,000 about. This includes the laying of another thirty inch main to the Brookline reservoir, and the construction of a reservoir. Something, however, should be deducted from this amount, from the benefit which Boston would derive from the laying a new main, and connecting it with the two mains which now supply the city, say \$50,000. With such a deduction, we are still of opinion that the water rates which we would receive in Roxbury would not be equal to the interest on the cost, necessary expenses of future repairs, &c., &c. With regard to Jamaica Pond Aqueduct, its value consists almost exclusively in supplying the lower parts of Roxbury, and if they are supplied with Cochituate water, the pond will be rendered almost valueless.

The Water Board would therefore beg leave to state to you, *as their decided opinion, that the supply of water from Lake Cochituate ought to be confined to the PRESENT LIMITS of the*

*city, and that we cannot undertake to supply Roxbury from that source without looking forward to a considerable increase in the water debt.*

I am, very respectfully,

For the Cochituate Water Board,

(Signed)

THOMAS WETMORE, *President.*

In regard to Drainage. The petitioners endeavored to show that there existed a great want of common sewers; that we required a system of underground drainage; "that it was not too much to say, that underground drainage was *absolutely indispensable*;" and "that this drainage cannot, without enormous expense, be effected, unless by a *connection with the common sewers of Boston.*" "It is possible," says Mr. Whiting, in his report, page 13, "to drain the south east part of Roxbury by building sewers through the marshes or down near Northampton street, but as to the rest of the town, *to attempt any other plan of under drainage, except by uniting with the common sewers now already extended by Boston nearly to the line, would be attended with ENORMOUS EXPENSE, if it could be effected at all.*"

Mr. Charles Whitney's opinion was, that "*by connecting the common sewers of the two cities together, so that our low lands could be drained through Boston into the sea, a perfect drainage could be effected, at an expense which, compared with the cost of any other plan, would be trifling.*"

Testimony was offered tending to sustain this view of the petitioners. It was the *opinion* of the witnesses that our lands could not be drained properly, without a connection with the sewers of Boston. They did not pretend to possess any accurate information upon the subject, founded upon the results of an investigation.

Mr. Whitney testified that he was the author of the letter in Mr. Whiting's report, pp. 33, 34 and 35, and believed the statements therein contained to be correct. Upon cross examination, he admitted *that he had not taken any instrumental levels*, nor received his statements from any engineer; it

was his *opinion* merely, and that opinion was not formed from the results of any surveys made either by himself or others. He had taken some minutes from the books of the Water Power Company.

These views and opinions were shown to be entirely erroneous, by actual surveys, and the project of connecting with the drains of Boston absurd, as will be seen by the evidence.

We caused an examination to be made, in reference to the drainage of the city, by William P. Parrott, Esq., a distinguished Civil Engineer, who was employed upon the surveys for the drains and sewers of Boston, extending to our line, in connection with Mr. Chesbrough, the City Engineer of Boston. Mr. Parrott was assisted in his examination by Charles H. Poole, Esq., Civil Engineer of this city.

It was shown by Mr. Parrott, that Roxbury *could not be drained into the Boston sewers*; that the sewers there were constructed in reference to Boston alone, and their dimensions and capacity were adapted to that service and no other; that the sewers at Roxbury line would be such that Roxbury *could not drain into them*; that when the Boston sewers were about being constructed, it was discussed by the Committee, whether they should be arranged so that there might be a connection with sewers that might be built at Roxbury, and that it was determined by them to have *no reference to the drainage of Roxbury, but to confine them to the territory and present limits of Boston*; that two thirds of the system has been carried out with that view already;—

That there are only two ways that sewerage of Roxbury can be effected to tide water: one way across to South Bay, —*no part touching Boston*; the other through the empty basin under the Worcester Rail Road; and that this can be done *without touching the territory of Boston*. And that if constructed through Boston it would be too low. And that *a sewer for Roxbury could not well be constructed by going out of the territory of Roxbury*;—

And that the better line would be into the South Bay, requiring about 5000 feet in length; and that on another line



the distance would be 8000 feet, and that the fall in both would be about the same. And that another advantage of the short line is, that it would cross all the cross drainage of the city. This would take the drainage of the entire territory down to Davis street, except a small portion of land towards Brookline and a small portion near Dorchester;—

And that the cost of this sewer (of 5000 feet) would be from \$35,000 to \$40,000, including raising the grade of streets. And that the cost of Boston sewers was proportionally the same. The estimate is, to allow 6 ft. in diameter for sewers.

*Water could be taken from Stony Brook to flush or scour the sewer, and the arrangements would be BETTER THAN ANY SEWER IN BOSTON.* Another brook, (Smelt Brook) runs across Washington street, and could be used to great advantage. There were a great many difficulties in Boston that we should not have to contend with in Roxbury in constructing sewers.

The statement and views of Mr. Parrott were concurred in by Mr. Poole.

Much has been said in reference to the lower part of our city, its condition, and want of drainage. That some kind of drainage may be required, before a great while, we have never doubted, but that it must be done independent of the Boston drains, is, we think, clearly demonstrated.

The counsel for the petitioners, in his report, is extravagant in his praise of "our ancient neighbor," for what she has done by her system of underground drainage. But it was shown in evidence that Boston was not entirely drained now, and that there were difficulties of drainage in the section near the Back Bay; that some of the made lands there were hardly fit to live upon, by reason of their not being filled up to a proper height, and that the cellars of many dwellings were below high water mark; and there was one whole street nearly on a level with low water.

The streets belonging to the city were shown, by abundant testimony, to be in good condition, and kept in good repair. That they are fully equal to the streets of the adjoining cities

and towns, was clearly established. It was shown that we have about 23 3-10 miles of accepted streets, and 11 1-3 miles of private streets, not accepted, and belonging to private individuals. It was shown, by abundant testimony, that our streets were in good order; that streets were accepted by the city when of suitable width, properly graded, and in suitable order for travel, and a deed of land and plan presented; that since the organization of the city government a great deal had been done to them, and to sidewalks; and that, in the language of the committee of citizens opposed to annexation, "If there are any streets in the city which are 'a disgrace to it,' they are of those which have been opened by 'private speculation,' for the purpose of bringing lands into market, against which the city is sometimes obliged to caution travellers that they are 'unsafe,' and for which the city should in no wise be held responsible."

In reference to Public Malls and Squares it was shown that the city was now doing something in the way of these kind of improvements; that a square had been laid out upon the Munroe farm, another had been accepted on Cedar Street, another had been recommended upon the city lands on Highland Street; and when the Stony Brook lands are laid out for sale, doubtless, one would be laid out there; and that negotiations were then pending in reference to the purchase of the old fort, but whether they would be successful or not, depended upon the cost.

Much was said of the condition of the poorer class of our population, and the great want of water to supply the tenements, and the condition of the streets where they reside.

It was clearly shown that in some of these localities an abundance of water already existed, and that a sufficient supply could be obtained in nearly every locality occupied by the poorer classes, if the landlords would be at a trifling expense in digging wells.

Certain pages in Mr. Ritchie's Report (quoted on p. 14 of Mr. Whiting's Report), were read to the Committee by counsel for petitioners; but Mr. Ritchie stated that worse places than

those described existed, to his knowledge, in Boston; and that the condition of our poor was better than that of the city of Boston. The statements in his report were correct, and fell far short of the condition of the poor in some parts of Boston and other places.

As to the schedule of THE WANTS OF BOSTON, it is due to our "ancient neighbor" to say, that she did not appear before the Committee, to admit that she required any or all of these alleged wants; and there was no evidence to show that her condition was such as was represented to be by the petitioners. We believe that those, into whose hands the affairs of Boston have been committed, are fully competent to manage the affairs and to watch over the interests of that city, and that, in the discharge of their duties, they require no aid from others.

During the examination, the Hon. Samuel P. Loud, Chairman of the County Commissioners of Norfolk County, appeared, and made a statement, at the request of the Commissioners, as to the condition of the County and the relation that Roxbury bore to it.

The statement of Mr. Loud, in substance, was:—That the debt of the County of Norfolk was about \$97,000, incurred for the erection of the Jail and the House of Correction, built within the last year and a half, and it will take about nine years to extinguish that debt. It became imperiously necessary to erect these buildings. The inmates have doubled within five years past, and the expenses have increased 100 per cent. The buildings were erected mainly on account of Roxbury, which contributes its proportion of the inmates. The numbers now have arrived at that point, where business can be carried on to some profit, and the business of boot and shoe making has just been established. In the female department, a matron has recently been appointed. If the numbers were reduced, it would not be profitable to carry on the business.

The valuation of Roxbury is about one third to one quarter of the whole valuation of the County. If Roxbury was taken

away from it, the financial interests of the County would be affected by the change.

It may be proper to state, in this connection, that it was in evidence that three-quarters of all the Probate business was transacted at Roxbury. Out of seventy-three courts held by the Judge of Probate, fifty-two were held at Roxbury.

In regard to the Civil Courts and Registry of Deeds, it was shown that the interests of parties would not be better accommodated by any change. It was easier to examine titles at Dedham than at Boston; and from those who have had large experience in making conveyances, no inconvenience was ever experienced by them from the location of the Registry at Dedham.

At the close of the hearing, the counsel for the city of Boston, M. K. Booth, Esq., stated that the city of Boston desired a reference of this subject to the next General Court, and a letter was also read to the Committee from the Mayor of Boston, in behalf of the Committee of the City Council of Boston, requesting such reference.

Mr. Whiting, in behalf of the petitioners, said he felt constrained to yield to the request made by the city of Boston.

Mr. Clarke, in behalf of Roxbury, objected to a reference to the next General Court, said this was the third year the subject had been before the Legislature, and that the city of Roxbury desired that it might be settled now upon its merits. In regard to the petitioners yielding to the request of the city of Boston, he said he was ready to prove that the suggestion for a reference to the next General Court, was made to the city of Boston by the counsel for the petitioners.

The question was submitted to the Committee, on the evidence, without argument, with the understanding that they were to report, either a reference to the next General Court, or leave to withdraw.

After deliberation the Committee unanimously came to the conclusion, that the petitioners had failed to make out a case, and that they have leave to withdraw their petition, and submitted the following report.

[SENATE....Doc. No. 108.]

## Commonwealth of Massachusetts.

IN SENATE, April, 15, 1852.

The Joint Standing Committee on Towns, to which was referred the petition of Isaac T. Allard, and others, praying that the city of Roxbury might be annexed to Boston, have duly considered, and examined with all the care and diligence of which they are capable, during a protracted hearing of the evidence presented before them, both for and against the union of the two cities, and have come to the conclusion that although Boston at some future period may include within her limits not only Roxbury, but all the towns and villages within a circuit of four to six miles; when such a union will be sought by the city herself, to make room for her inhabitants, and to increase her influence and popularity abroad; but in the opinion of your Committee the exigency had not yet arrived when it would be advantageous for the citizens of Roxbury to change their municipal relations, or for the County of Norfolk to dissolve its connections with the city of Roxbury. All the wants and difficulties, complained of by the petitioners, can be as well supplied and remedied without annexation as with it. And further, it was not in evidence before the Committee, that there was a majority of the legal voters of Roxbury desiring annexation. Your Committee therefore unanimously report, that the petitioners have leave to withdraw their petition.

By order of the Committee,

ZENAS D. BASSET, *Chairman.*

We cannot conclude this report without acknowledging our obligations to the Hon. John J. Clarke and William Gaston, Esq., for their professional services, voluntarily given to the city, in opposing the prayer of the petitioners. By careful preparation prior to the hearing, by their vigilance in guarding the interests of the city, by professional skill and untiring

industry during the protracted hearing, they contributed largely in bringing this question to a happy and successful termination. The Committee would therefore recommend the adoption of the accompanying resolves.

All which is respectfully submitted,

For the Committee,

SAMUEL WALKER, *Chairman.*



## CITY OF ROXBURY.

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IN BOARD OF ALDERMEN, }  
MAY 17th, 1852. }

Resolved, That our fellow citizens John J. Clark and Wm. Gaston, Esqs. Counsellors at Law, by their professional services voluntarily given to the City of Roxbury, in opposing the petition of Isaac T. Allard and others, to the Legislature of this Commonwealth, for the annexation of this city to Boston, are entitled to the cordial thanks of the City Council and all citizens of Roxbury, who desire that our city shall continue to bear the honored name of Old Roxbury.

Resolved, That those gentlemen, acting as the Counsel of the City of Roxbury, by careful preparation, prior to the hearing before the Legislative Committee; by their vigilance in guarding the interests of the city, by professional skill and untiring industry during the hearing, have contributed largely towards the defeat of a project not in accordance with the wishes of a large majority of our fellow citizens.

Resolved, That the thanks of the City Council of the city of Roxbury, be, and they hereby are tendered to Messrs. Clarke and Gaston for their valuable services, and that these Resolutions be entered upon the records of this Board, and that the City Clerk be requested to transmit to each of those gentlemen an attested copy thereof.





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